

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

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STEPHEN DREW DELOACH,

\*

Plaintiff,

\*

vs.

\*

CASE NUMBER: 3:05cv573-F

RACHEL ELIZABETH SAVIN,

\*

Defendant.

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\*

**NOTICE OF REMOVAL**

Comes now the Defendant in this action, Rachel Elizabeth Savin, and removes this case to the United States District Court for the Middle District of Alabama, Eastern Division, and as grounds therefore respectfully shows unto the Court the following:

1. Plaintiff is believed to be a citizen of the State of Alabama.
2. Defendant, Rachel Elizabeth Savin, is a citizen of the State of Tennessee.
3. Jurisdiction herein is based upon diversity of citizenship, pursuant to 28 U.S.C. Section 1332(a) and 28 U.S.C. Section 1441(a).
4. Plaintiff has filed a lawsuit against this Defendant in the Circuit Court of Lee County, Alabama, a copy of the Complaint being attached hereto as Exhibit "A", and being made a part hereof.
5. The Complaint seeks an amount and alleges an amount in controversy greater than \$75,000.00, exclusive of interest and costs. Although the Complaint simply

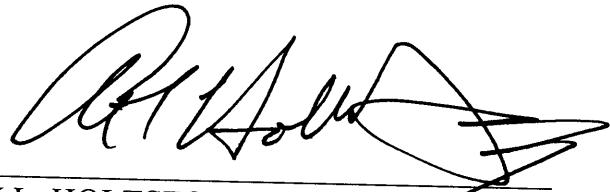
states that a judgment is being sought "in a sum in excess of \$10,000.00 and costs", pre-lawsuit settlement negotiations have indicated clearly that an amount in excess of \$75,000.00 is in controversy in this case. First, Plaintiff has alleged medical bills of approximately \$20,000.00 to be related to this automobile accident. Second, Plaintiff is alleging lost wages in an amount believed to be in excess of \$10,000.00. Third, Plaintiff seeks general damages as result of "disc surgery at East Alabama Medical Center", and damages because Plaintiff "has experienced pain and suffering as well as mental anguish and emotional distress", and may have "permanent disability." Fourth, Plaintiff seeks punitive damages in addition to the compensatory damages referenced above. Defendant has liability insurance coverage applicable to this claim, and has liability limits far in excess of \$75,000.00; settlement discussions before suit was filed indicated that Plaintiff demanded the full liability limits.

6. There are no other Defendants to this action besides this Defendant, and this Defendant is removing this case within the applicable time period, pursuant to the aforesaid statutes.

7. Upon the filing of this notice, this Defendant has given written notice thereof to the attorney for the Plaintiff, and has filed a copy of the removal proceedings and notice with the Circuit Court Clerk of Lee County, Alabama, all in accordance with the law.

WHEREFORE, this Defendant prays that the removal of said cause to the United States District Court for the Middle District of Alabama, Eastern Division, be effected and no further or other proceedings may be had with respect to this matter in the Circuit Court of Lee County, Alabama, pending a final decision and determination of controversy in the said United States District Court.

DATED this 15 day of June, 2005.



ALEX L. HOLTSFORD, JR. (HOL048)  
Attorney For Defendant

OF COUNSEL:

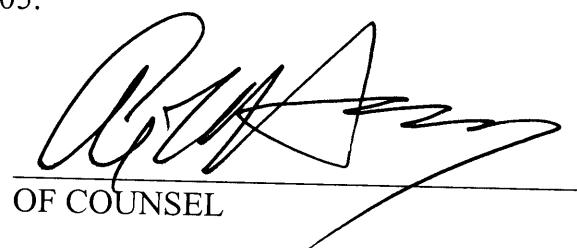
NIX HOLTSFORD GILLILAND  
HIGGINS & HITSON, P. C.  
Post Office Box 4128  
Montgomery, Alabama 36103-4128  
(334) 215-8585

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day mailed, postage prepaid, an exact copy of the foregoing document to:

J. Michael Williams, Sr.  
Attorney For Plaintiff  
Post Office Box 1068  
Auburn, Alabama 36831

This the 15 day of June, 2005.



OF COUNSEL

A handwritten signature in black ink, appearing to read "J. Michael Williams, Sr.", is written over a horizontal line. Below the line, the words "OF COUNSEL" are printed in capital letters.